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BY-LAWS
OF THE WESTERN DISTRICT,
PASSED IN THE
FIRST AND SECOND SESSIONS
OF THE
MUNICIPAL COUNCIL,
OF THE
WESTERN DISTRICT.

JOHN DOLSEN, ESQUIRE,
WARDEN.

PRINTED BY ORDER OF THE COUNCIL.

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B Y - L A W S
OF THE WESTERN DISTRICT,
PASSED IN THE FIRST SESSION
OF THE MUNICIPAL COUNCIL OF THE WESTERN
DISTRICT.

JOHN DOLSEN, ESQ. *Warden.*

CHAPTER I.

*A By-Law establishing a uniform mode of application for the
alteration of old, and opening new Roads.*

[Passed 14th February, 1842.]

WHEREAS it is expedient that some certain method should be fixed by law, in which applications should be made, for amending and opening Roads in this District.

Be it enacted by the Warden and Councillors of the Western District in Council assembled by virtue of an Act of the Province of Canada, entitled "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That from and after the passing of this By-Law that before any application for amending or opening any road in this District, it shall be necessary that a requisition shall first be made to the Surveyor of Highways in and for this District, by at least twelve inhabitant householders of the township, through which said road is intended to pass, to survey and report thereon to the Council; and said surveyor shall affix a public notice of the same in two or more conspicuous places of said township, at least fourteen days previous to the then next meeting of the Council, requiring all persons having objections to the said intended road, to oppose the same at the next quarterly meeting of the Municipal Council for this District, when the

said application shall be made, in order that the said Council may have full information thereof.

II. And be it enacted by the authority aforesaid, that notwithstanding no opposition shall be made to the said intended road, that the said Council shall not only have full power and authority either to enter into farther examination of the necessity for said road, before any enactment concerning the same shall be passed, but shall have full power to direct such further petition, examination and report to be made to the said Council, by such person or persons as shall be by the said Council directed.

III. And be it enacted by the authority aforesaid, that the said Council shall have full power to cause an estimate to be made of the compensation necessary to be made (if any), to the person or persons through whose land the said road shall pass; and receive such evidence of the same, as shall be deemed necessary; and at the same time such land shall be so estimated, take into mature consideration how much such person or persons shall be benefitted or injured by such road: and by a By-Law make such allowance or compensation as shall be considered just; to be raised, levied and paid in the same manner as other appropriations made by the said Council.

IV. And be it enacted by the authority aforesaid, that all Reports of the surveyors of roads on such requisition as aforesaid, shall by said surveyors of roads, be transmitted to the surveyor of the District, to be by him laid before the Council at the then next meeting thereof.

CHAPTER II.

[Passed 14th February, 1842.]

Be it enacted by thy Warden and Councillors of the Western District in Council assembled by virtue of, and under the authority of an Act of the Province of Canada, entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That from and after the passing of this By-Law, that the Warden of the District be authorized to issue his warrant in favor of the Township Clerk of the several Townships, for the

several amounts paid into the Treasury for taxes of non-residents, in order that the several Townships may have the benefit of the same, according to the law now in force, respecting the same, and that the Councillors for the respective Townships shall be advised with in the disposition of the same, by the person or persons having a right to direct and lay out the same; which said sums shall be accounted for as directed by law in that behalf.

II. And be it enacted by the authority aforesaid, that all monies now (or hereafter to be) in the hands of the Township Clerks for fines, under the trespass acts, shall be subject to the same authority and disposition as is mentioned in the preceding clause of this By-Law.

CHAPTER III.

A BY-LAW to provide for the current expenses of the year 1842, and to provide for certain matters therein contained, connected therewith.

[Passed 14th February, 1842.]

WHEREAS it is expedient that a sufficient sum should be raised in the Western District, to meet the current expenses for the year of our Lord one thousand eight hundred and forty-two.

Be it enacted by the Warden and Councillors of the Western District, in Council assembled by virtue of, and under the authority of an act entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein.

I. That for the year 1842, there be by assessment raised and levied and collected from and upon all property liable to be assessed by law in the Western District, both landed and otherwise, in the following proportion, that is to say, on all lands in lieu of all taxes already by law imposed on lands as aforesaid, the sum of one half penny per acre, and on all other property liable to be assessed as aforesaid, in lieu of the taxes now imposed on the same, the sum of one penny in the pound, in the

ordinary manner provided by law, to defray the current expenses of the said District for the year aforesaid, making the aggregate sum of one thousand eight hundred and ten pounds, three shillings, and eight pence, to be apportioned in the following manner, that is to say :—

First.—The sum of two hundred and eighty seven pounds, fourteen shillings and six pence, for the expenses of levying, collecting and managing the rates and taxes imposed in this District, being the first charge imposed by law on the District funds, that is to say—

For assessors, average $6\frac{1}{2}$ per cent.
on the rates collected in 1841,
at one penny in the pound,

£76 1 9

For collectors average $7\frac{1}{2}$ per cent.
on the rates collected in 1841,
at one penny in the pound,

87 15 11

For estimated loss by absentees,
and on an average of 3 per cent.,

35 2 4

For Clerk of the Peace for making
up assessment rolls and other du-
ties connected therewith.,

88 14 6

————— £287 14 10

Second.—The sum of seven hundred and fifty three pounds, nineteen shillings and two pence, for the expences connected with the administration of justice, under the following heads : Sheriff, Clerk of the Peace, Coroners, Gaoler, Surgeon of the District Gaol, and other officer or person, for the care and support and keeping prisoners, repairing Court House, and other purposes first mentioned, being the second charge imposed by law on the District funds.

For Sheriff including the expenses
of the gaol and prisoners, aver-
age,

£225 0 0

For Clerk of the Peace.

118 19 2

For forwarding felons to the peni-
tentiary at an usual average.

100 0 0

For Coroners on an average per
annum.

60 0 0

For constables.	100	0	0
For gaolers salary and allowance, per annum.	80	0	0
For turnkey for occasional services per annum.	20	0	0
For medical attendance on the gaol.	12	10	0
For crier and messenger of the court per annum.	12	10	0
For average expenses of repairs to gaol, and court house.	25	0	0
			£753 19 2

Fourth.—The sum of three hundred and ninety-eight pounds and ten shillings for all sums now payable out of the funds of the District, for any public purpose whatsoever other than those above mentioned, and not within the scope of the powers of the District Council, being the fourth charge imposed by law on the District funds :

For the Treasurer's per centage, calculated on the sum raised in 1841, by the rate of one penny in the pound; and post office account,	£60	00	0
For township clerks, 26 in num- ber, at £4 each per annum,	104	00	0
For surveyors of highways, cal- culated at an annual average,	40	00	0
For bounty on the destruction of wolves, calculated on amount paid in 1841,	194	10	0
			£398 10 0

Fifth.—The sum of three hundred and seventy pounds, for the following sums and expenses directed by this By-Law in the following order, being the fifth charge imposed on the District funds, and included in the above aggregate sum first mentioned :

For two Auditors, at £40 each per annum,	£80	00	0
For Clerk of District Council, per annum,	100	00	0

For Messenger,	12	10	0
For stationary, estimated at	25	00	0
For printing and postage,	40	00	0
For repairs, wood, candles, and seal,	12	10	0
For internal improvements and contingencies,	100	00	0
		£370	00 0

II. And be it enacted by the authority aforesaid, that the salaries of all District officers, and all sums to be paid under the authority of the Council, except where otherwise provided for, shall be paid and payable under the warrant of the Warden half yearly on the thirtieth day of June, and the thirty-first day of December in each year; and that the said several warrants shall be acquitted by the said officers, and others receiving the same by giving duplicate receipts, one of which to be lodged with the Treasurer of the District, and the other to be lodged in the Auditor's office, for the purposes hereinafter mentioned.

III. And be it enacted by the authority aforesaid, that the better to enable the Auditors of the District to audit the accounts of the same, it shall be absolutely necessary for all public officers, and others, paying monies into the treasury to receive duplicate receipts for the same, one of which every person so paying monies as aforesaid into the treasury, shall keep himself, and shall lodge the other with the Auditors of the District, after which he shall be deemed to be fully discharged.

IV. And be it enacted by the authority aforesaid, that any balance remaining in the hands of the Treasurer from the taxes heretofore, now, or hereafter to be raised in this District, by virtue of this or any other act, by-law or ordinance, shall be accounted for in a regular manner, and carried into the account of the following year, to the credit of the District.

V. And be it enacted by the authority aforesaid, that if it shall so happen that the whole sum provided for by this By-Law or any other act of the Province of Canada heretofore made for the current expenses of this District, shall fall short of the same in this present year, that the deficiency shall be made up in the ensuing year, in the usual manner, under the usual heads, and in the order required by the law as it now stands.

CHAPTER IV.

A BY-LAW to enable Thomas Park, and others to receive and expend certain monies therein mentioned.

[Passed 14th February, 1842.]

WHEREAS the sum of fifty pounds was ordered by the Quarter Sessions, for the year of our Lord one thousand eight hundred and forty, to be raised by assessment in the town of Amherstburg, intended to be expended by the persons hereinafter mentioned, which sum was raised and paid over to the treasurer, but the names of the said persons were omitted to be inserted in said order of Quarter Sessions, by means of which the said sum remains unexpended in the hands of the treasurer.

Be it enacted by the Warden and Councillors of the Western District in Council assembled by virtue of and under the authority of an act of the Province of Canada, entitled “An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein.

I. That Thomas Park, Thomas Paxton, and Peter Taylor, of Amherstburg, Gentlemen, be Commissioners for expending the said sum of £50 ; and that the Warden shall issue his warrant to the treasurer in favor of the said Commissioners, who shall give duplicate receipts for the same, one to the treasurer, and the other to the auditors, and the same shall be accounted for in the usual manner.

BY-LAWS
OF THE WESTERN DISTRICT,
PASSED IN THE SECOND SESSION
OF THE MUNICIPAL COUNCIL OF THE WESTERN
DISTRICT.

JOHN DOLSEN, Esq., *Warden.*

CHAPTER I.

A BY-LAW *to enable District Officers to receive their salaries quarterly instead of half-yearly.*

[Passed 14th May, 1842.]

Be it enacted by the Warden and Councillors of the Western District in Council assembled by virtue of and under the authority of an Act of the Province of Canada, entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That the salaries and allowances of all public officers and persons employed within this District, be paid and payable quarterly in each year, on the warrant of the Warden of the same, on the last day of March, the last day of June, the last day of September, and the last day of December, respectively—being first examined, audited and allowed by the Auditors of this District: and the said warrants, on payment, be acquitted by duplicate receipts, in the usual manner as provided for by a former By-Law of this Council.

JOHN DOLSEN, *Warden:*

JOHN COWAN, *Clerk of the Council.*

CHAPTER II.

A BY-LAW to invest the Councillors of the respective Townships with certain powers relative to Statute Labor, &c.

[Passed 14th May, 1842.]

WHEREAS it is expedient that all matters connected with statute labor in this District and the expenditure of monies in any manner provided for the same, shall be effectually provided for as is hereinafter mentioned.

Be it enacted by the Warden and Councillors of the Western District in Council assembled by virtue of, and under the authority of an Act of the Province of Canada entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That the Municipal Councillor now or hereafter representing any township, reputed township or place, shall be and is hereby authorized to superintend, oversee and direct within the township, reputed township or place for which he is Councillor, all matters heretofore under the direction of the Justices within the same, and which now are or hereafter may be placed under the supervision of any person or persons respecting all roads, streets, bridges, and all matters and things connected therewith : whether for the performance of statute labor, or the expenditure of any monies which may, by any law, be appropriated for that purpose, subject to the provisions hereinafter mentioned.

II. And be it enacted, that all pathmasters in this District do on or before the first day of October in each and every year hereafter, make a clear return or list of labor laid out and expended in each Division, together with a return of all monies expended by them, duly signed and sworn to before a magistrate ; which return they shall file with the Township Clerk on or before the time aforesaid.

III. And be it enacted, that in the said return the said pathmasters shall make a just, true and clear distinction between all those persons who do, and all those persons who do not,

well and truly perform their statute labor in a faithful and sufficient manner.

IV. And be it enacted, that the said Township Clerks shall and do on or before the first day of November in each and every year hereafter, make a true, sufficient and clear return, duly signed by them, to the Councillor for their townships, reputed townships or places, embodying all the returns furnished by the said pathmasters : which return shall contain all monies received by the said Township Clerk from magistrates for fines, or from any other source whatever.

V. And be it enacted, that each Councillor for each township, reputed township or place, shall and do make a correct and clear aggregate return to the Council on the last quarterly sitting of the Council in each and every year.

VI. And be it enacted that any person or persons not complying with the provisions of this By-Law at the times and in the manner herein required shall forfeit and pay a sum not less than five nor more than twenty shillings currency, for each and every such default, to be recovered according to the provisions of the township officers' Act ; and when recovered, shall be paid into the hands of the Treasurer of the District, to be applied to the use of the township to which the officers so forfeiting such sum belongs—to be expended under the superintendence of such persons as may be appointed for that purpose by any By-Law now made or hereafter to be made.

JOHN DOLSEN, *Warden.*

JOHN COWAN, *Clerk of the Council.*

CHAPTER III.

A BY-LAW to provide means to finish the public Wharf at Sandwich, and for other purposes.

[Passed 14th May, 1842.]

WHEREAS it is necessary to assess the town of Sandwich to complete the Public Wharf, which is much wanted, and pay the balance due on the Hay-scales, and a balance due on the old Wharf.

Be it enacted by the Warden and Councillors of the Western District in Council assembled by virtue of and under the authority of an Act of the Province of Canada, entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That the said inhabitants of the town of Sandwich be assessed according to the provisions of any law or by-law now or hereafter to be made, for the sum of one hundred and seventeen pounds currency, over all expences of collecting, in the following manner and proportion, that is to say: during the present year of our Lord one thousand eight hundred and forty-two, the sum of fifty-seven pounds, to repay John Prince, Esq., for an advance of that amount to purchase and put up hay-scales in the said town; and the sum of five pounds to provide for the payment of the balance due on the old wharf of the said town; and that the same, when collected according to the provisions of said law or by-law, shall be paid over to Henry S. Paxton, John Morrow and Joseph Provoncher, all of Sandwich.

II. And be it further enacted by the authority aforesaid, that the further sum of forty-five pounds, for completing the public wharf, be raised in like manner, and placed in the same hands for the same purposes, and accounted for in the same manner, in the year of our Lord one thousand eight hundred and forty-three, being the balance required for the services aforesaid.

III. That the said Henry S. Paxton, John Morrow and Joseph

Provoncher, commissioners for expending the said sums, shall, so soon as the same shall be expended under an account to the Council, through the Auditors, of all such expenditures—producing the requisite vouchers in the ordinary manner.

IV. That the said hay-scales, and all the appurtenances thereunto belonging, be annually or for a term of years put up to the highest bidder, who shall receive all fees due for the use of the said hay-scales; and that such persons shall receive a lease from the Councillors of the township, and Police Magistrates of the town.

V. That the letting and leasing of the same shall be under the superintendence of the Councillors for the township and Police Magistrates of Sandwich, who shall pay over the amount of rents annually received therefor to the Treasurer of the District, for the general uses of the said town of Sandwich, and particularly for the keeping in repair the said hay-scales, if wanted.

JOHN DOLSEN, *Warden.*

JOHN COWAN, *Clerk of the Council.*

CHAPTER IV.

A BY-LAW to authorize the Inhabitants of the town of Amherstburg to be assessed to provide for the balance required to pay certain sums mentioned therein.

[Passed 14th May, 1842.]

WHEREAS an assessment was heretofore intended to be raised and levied on the Inhabitants of the town of Amherstburg, for the purpose of building a Market-House, providing weigh-scales and other matters mentioned in the order on that subject, in the said town, equal to the sum of two hundred pounds, at the rate of one hundred pounds in each year, until the said sum should be fully paid. And whereas the sum of fifty pounds only was authorised in each year to be so raised by the Justice's in Quarter Sessions, under the provisions of the then law.

Be it enacted by the Warden and Councillors of the Western District, in Council assembled by virtue of and under the authority of an Act of the province of Canada, entitled "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That the said inhabitants of the town of Amherstburg be assessed according to the provisions of any law or By-Law, now or hereafter to be made, for the year of our Lord one thousand eight hundred and forty-two, the sum of one hundred pounds province currency, over and above all expenses of collection; and that the sum when collected according to the provisions of such law or by-law, shall be paid over to Thomas Paxton, Thomas Park and Peter Taylor, Esquires, Commissioners for expending the same.

II. And that the farther sum of fifty-five pounds be raised and levied in like manner and placed in the same hands, and accounted for in the same manner, through the auditors in the year of our Lord one thousand eight hundred and forty-three, being the balance required for the services above specified.

III. That the said Thomas Paxton, Thomas Park and Peter Taylor, Esquires, the aforesaid Commissioners, shall so soon as the said monies shall be expended, render an account to the the Council, through the auditors of such expenditures, providing the requisite vouchers in the ordinary manner.

JOHN DOLSEN, *Warden.*

JOHN COWAN, *Clerk of the Council.*

CHAPTER V.

A BY-LAW to place the assessing and collecting of Rates under the control of the Council.

[Passed 16th May, 1842.]

WHEREAS under and by virtue of the authority contained in the act commonly called the Municipal Council Act, of this province, power is given to make By-Laws, for raising, assessing, levying and appropriating such monies as may be required for the purpose of carrying into effect, all or any of the objects for which the District Councils were instituted, and for the collection of and accounting for all tolls, rates and assessments, imposed or raised under the authority of such District Council, and of the revenues belonging to Districts respectively. And whereas it is necessary for the purposes aforesaid, that the assessment and collecting rolls, being documents used for the raising, assessing, collecting, appropriating and accounting for the revenues of the Western District, should be under the direct control of the District Council, to ensure their correctness, and secure their return from the hands of the township officers for the future, within the convenient and proper periods.

Be it therefore enacted by the Warden and Councillors of the Western District in Council assembled by virtue of and under the authority of An Act of the Province of Canada, entitled, "An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local Municipal Authorities therein."

I. That from and after the passing of this By-Law any person chosen as assessor in any township, reputed township or place in the said Western District, according to the provisions of the now existing or any hereafter to be made law in that behalf, shall return a duplicate original of the assessment lists, or rolls, thereby directed to be made, to the District Clerk, to be laid before the Council of the said District at the usual periods, and that they shall receive for the same the amount now allowed by the Provincial Statute, upon the amount of the

said assessment roll or list, provided nevertheless that the furnishing the same to the Clerk of the District Council shall not dispense with the necessity of furnishing the Clerk of the Peace as heretofore with a duplicate original of the same, also according to law, in order that he may make up the Jury lists necessary for the administration of justice, and for the other purposes for which they may be required in his office. Nor do away with the necessity of putting up a copy of the same in some conspicuous place in the township as heretofore required by law, and that the said assessor shall be allowed the sum of seven shillings and six pence currency for any number of names, not to exceed one hundred, on such list, and two shillings and six pence currency, if exceeding one and not over two hundred, and so on in proportion, for such third and extra copy.

II. And be it enacted that when the said District Council shall have by any By-Law, directed any rate, toll, or assessment for the purpose of defraying the expenses of said District, to be levied to or for any police or corporate Town or City, now or hereafter to be erected in the said District, it shall and may be lawful for the District Clerk having received such assessment lists or rolls as aforesaid, under the direction and supervision of the Warden, to divide and appropriate the same upon each and every person in the said assessment lists or rate rolls named, being liable to pay rates, according to their rateable property real and personal, in accordance with any law of this Province, now or hereafter to be made for that purpose; and having ascertained the quota, dividend or sum of money for which every person is assessed for the current year, the District Clerk shall transmit forthwith a certified copy of such assessment roll so rated and ascertained as aforesaid to each and every collector within the District; and such certified copy shall be to each and every collector sufficient authority for collecting the proportions or dividends within their respective townships: Provided always, that as to the said police or corporate towns as aforesaid, that in order to carry such assessment into effect, when the improvement of the same may be required according to law, that it shall be the duty of the District Clerk to select from the general assessment of the said District, a list or assessment of the rateable property that each person has, or owns or possesses in the said towns respectively, ready to be laid before the Council in each year.

III. And be it enacted, that the District Clerk shall hereafter extend the collection rolls in all cases, the same having heretofore been done by order of the justices, as the collectors were not generally found capable of so doing with sufficient correctness.

IV. And be it enacted, that the said District Clerk shall hereafter furnish the Statute Labor lists to the persons legally requiring them, at such periods as are now required by law.

V. And be it enacted, that the sums heretofore paid annually for extending the collection rolls and furnishing the Statute Labor lists shall be no longer paid, the said duty being performed by the officer of the Council.

VI. And be it enacted that all sums to be paid under this By-Law, shall be first audited and paid by the Treasurer on the Warden's warrant, and acquitted in the manner required by the laws of the District.

JOHN DOLSEN, *Warden.*

JOHN COWAN, *Clerk of the Council.*

